

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

**CLOSING, VACATING, AND ABANDONING A 0.517 ACRE
IMPROVED SEGMENT OF LEWIS STREET AND WEST RUSSELL
PLACE LOCATED IN COUNCIL DISTRICT 1 AS REQUESTED BY
CHRIST EPISCOPAL CHURCH FOR A FEE OF \$6,025.00.**

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WHEREAS, Christ Episcopal Church (“Petitioner”) owns all the abutting property surrounding the proposed closure; and

WHEREAS, the rights of way will remain accessible to the general public and emergency vehicles; and

WHEREAS, such closure will alleviate the City of San Antonio from maintenance and other costs; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. As an exercise of its discretion, the City Council closes, vacates, and abandons the right of way segment (“Right of Way Segment”) identified in Section 2 of this ordinance. The City Manager or her designee, severally, are authorized and directed to execute and deliver all necessary documents and to do all other things conducive to effectuate this closure, abandonment, and vacation.

SECTION 2. Maps and pictures of the Right of Way Segment are set forth on **Attachment I**. The detailed description of the Right of Way Segment is set forth on **Attachment II**. Both Attachments I and II are incorporated into this ordinance for all purposes as if they were fully set forth. Attachment II controls over any discrepancy between it and Attachment I.

SECTION 3. Reservation of Utility Rights. All presently existing drainage, sewer, water, recycled water and wastewater lines and facilities, electric transmission and distribution poles, lines and facilities, gas lines and facilities, communication lines and facilities, or any other public utility lines and facilities, if any, may remain in place despite this ordinance and may continue to be accessed, used, repaired, enlarged, upgraded, replaced (and realigned within the Right of Way Segment) and maintained in the ordinary course of business. Any person wanting removal or relocation of an existing utility pole, line or facility must negotiate separately with the pertinent utility. Any person building on the Right of Way Segment without first reaching an agreement with a utility having poles, lines or facilities in the segment does so at his own risk. After the date of this ordinance, other than replacement of an existing pole, line or facility, no utility may add additional utility poles, lines or facilities in the Right of Way Segment based on a claim that the Right of Way Segment is public right of way. All drainage rights in the Right of Way

Segment are retained by the City. This closure does not give up any right arising other than from the plat or other instrument creating the public street or alley right of way. Neither does this ordinance create new easement rights.

SECTION 4. The Right of Way Segment exists by easement. The underlying fee ownership of the Right of Way Segment by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned. For purposes of future conveyance and to better reflect their ownership generally, owners of the adjacent property should replat. No such replat impairs the rights retained by City above, unless in the course of replatting, the owner, at its own expense, otherwise provides for those rights according to platting rules of general applicability.

SECTION 5. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000253, and General Ledger 4903101.

SECTION 6. The disposition of surplus property must be coordinated through the City's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 7. The financial allocations in this ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this ordinance.

SECTION 8. This ordinance is effective immediately upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.

PASSED and APPROVED this ___ day of _____, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney